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1637

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/784,575
Filing Date	February 15, 2001
First Named Inventor	Cantrell
Group Art Unit	1632
Examiner Name	Wilson, Michael C.
Attorney Docket Number	23101.0003U1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on **[\*DATE OF PREVIOUS AMENDMENT\*]**  
Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on **[\*\*DATE OF APPEAL BRIEF\*\*]**
- iii. ☐ Other \*\*\*\*\*
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \*\*\*\*\*

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37. C.F.R. § 1.103(c) for a period of \*\*\*\*\* months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \*\*\*\*\*

## 3. Fees

- a. ☐ Check in the amount of \$\_\_\_\_\_ enclosed for the fees designated below.
- b. ☒ Payment by credit card in the amount of \$1,390.00 for the fees designated below. (Form PTO-2038 enclosed).  
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- c. ☐ The Director is hereby authorized to charge the amount of \$\*\*\*\* for the fees designated below to Deposit Account No. 14-0629.
- d. ☒ Fees
- ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- ☐ Other \_\_\_\_\_
- e. ☒ The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 14-0629.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce H. Becker, M.D.	Registration No. (Attorney/Agent)	48,884
Signature		Date	9/20/04

## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or include, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Name of Person Mailing(Print/Type)	Bruce H. Becker, M.D.	Date	9/20/04
Signature		Date	9/20/04

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ATTORNEY DOCKET NO. 23101.0003U1  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
CANTRELL <i>et al.</i>	)	
	)	Group Art Unit: 1632
Serial No. 09/784,575	)	
	)	Examiner: Wilson, Michael C.
Filed: February 15, 2001	)	
	)	Confirmation No. 1832
For: "IN OVO ACTIVATION OF AN EGG	)	
IN THE SHELL"	)	

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859  
  
September 20, 2004

Sir:

This is in response to the Office Action issued August 26, 2003. A Notice of Appeal was filed on February 20, 2004. Please enter the following Amendments to the above-referenced application and consider the remarks that follow.

Amendments to the claims are reflected in the listing of claims which begins on page 2.

Remarks begin on page 4.